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By: **Delegates Kagan and Bronrott**

Introduced and read first time: February 8, 2001

Assigned to: Commerce and Government Matters

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A BILL ENTITLED

1 AN ACT concerning

2 **Election Law - Deadlines for Filing Certificates of Candidacy - Extensions**

3 FOR the purpose of extending the time period in which a certificate of candidacy may  
4 be filed under the State election law for certain primary contests if an  
5 incumbent elected official dies within a prescribed time period prior to a certain  
6 deadline; extending the time period in which a certificate of candidacy may be  
7 filed in certain primary contests when an incumbent elected official files a  
8 certificate of withdrawal after the deadline for filing of a certificate of  
9 candidacy; providing that a certificate of withdrawal may not be filed after a  
10 specified date in certain contests; defining certain terms; and generally relating  
11 to the extension of certain filing deadlines under the State election law where an  
12 incumbent officeholder dies or withdraws during specified time periods.

13 BY repealing and reenacting, without amendments,  
14 Article 33 - Election Code  
15 Section 5-302 and 5-901(e)  
16 Annotated Code of Maryland  
17 (1997 Replacement Volume and 2000 Supplement)

18 BY repealing and reenacting, with amendments,  
19 Article 33 - Election Code  
20 Section 5-303 and 5-502  
21 Annotated Code of Maryland  
22 (1997 Replacement Volume and 2000 Supplement)

23 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
24 MARYLAND, That the Laws of Maryland read as follows:

25 **Article 33 - Election Code**

26 5-302.

27 (a) A certificate of candidacy shall be filed under oath on the prescribed form.

1 (b) The certificate of candidacy shall be filed with the State Board if the  
2 candidacy is for:

3 (1) An office to be voted upon by the voters of the entire State;

4 (2) The General Assembly of Maryland;

5 (3) Representative in Congress;

6 (4) The office of judge of the circuit court for a county; or

7 (5) An office of elected delegates to a presidential national convention  
8 provided for under Title 8, Subtitle 5 of this article.

9 (c) If the candidacy is for an office other than an office described in subsection  
10 (b) of this section, the certificate of candidacy shall be filed with the local board of the  
11 applicable county.

12 5-303.

13 (A) IN THIS SECTION, "INCUMBENT ELECTED OFFICIAL" MEANS ANY PERSON  
14 ELECTED OR APPOINTED TO AN ELECTED POSITION.

15 [(a)] (B) Except as [provided in subsections (b) and (c) of] OTHERWISE  
16 PROVIDED IN this section, a certificate of candidacy shall be filed as follows:

17 (1) For candidates for offices other than delegate to the Democratic  
18 National Convention, not later than 9 p.m. on the Monday that is 10 weeks or 70 days  
19 before the day on which the primary election will be held; and

20 (2) For candidates for delegate to the Democratic National Convention,  
21 between 9 a.m. on the first regular business day of the year in which the President of  
22 the United States is elected and 5 p.m. on the day that is 1 week later than that day.

23 [(b)] (C) A certificate of candidacy for an office to be filled by a special election  
24 under this article shall be received and filed in the office of the appropriate board not  
25 later than 5 p.m. on the Monday that is 3 weeks or 21 days prior to the date for the  
26 special primary election specified by the Governor in the proclamation for the special  
27 primary election.

28 [(c)] (D) The certificate of candidacy for the election of a write-in candidate  
29 shall be filed by the earlier of:

30 (1) 7 days after a total expenditure of at least \$51 is made to promote the  
31 candidacy by the candidate or a political committee authorized by the candidate; or

32 (2) 5 p.m. on the Wednesday preceding the day of the election for which  
33 the certificate is filed.

34 (E) IF AN INCUMBENT ELECTED OFFICIAL DIES WITHIN 7 DAYS PRIOR TO THE  
35 DEADLINE FOR THE FILING OF A CERTIFICATE OF CANDIDACY UNDER SUBSECTION

1 (A)(1) OF THIS SECTION, THE APPROPRIATE BOARD SHALL CONTINUE TO ACCEPT  
2 CERTIFICATES OF CANDIDACY FOR THAT OFFICE UNTIL THE CLOSE OF BUSINESS ON  
3 THE FINAL DAY ON WHICH A CERTIFICATE OF DESIGNATION MAY BE FILED UNDER §  
4 5-901(E) OF THIS TITLE, WHETHER OR NOT THE INCUMBENT FILED A CERTIFICATE  
5 OF CANDIDACY FOR REELECTION.

6 (F) IF, AFTER THE DEADLINE FOR FILING A CERTIFICATE OF CANDIDACY  
7 UNDER SUBSECTION (A)(1) OF THIS SECTION, AN INCUMBENT ELECTED OFFICIAL  
8 FILES A CERTIFICATE OF WITHDRAWAL UNDER § 5-502 OF THIS TITLE, UNTIL THE  
9 CLOSE OF BUSINESS ON THE FINAL DAY ON WHICH A CERTIFICATE OF DESIGNATION  
10 MAY BE FILED UNDER § 5-901(E) OF THIS TITLE, THE APPROPRIATE BOARD SHALL  
11 CONTINUE TO ACCEPT:

12 (1) CERTIFICATES OF CANDIDACY FOR THAT OFFICE; AND

13 (2) A CERTIFICATE OF WITHDRAWAL FROM ANY INDIVIDUAL WHO HAD  
14 FILED A CERTIFICATE OF CANDIDACY FOR THAT OFFICE.

15 5-502.

16 (a) (1) Subject to PARAGRAPH (2) OF THIS SUBSECTION AND § 5-402 of this  
17 title, an individual who has filed a certificate of candidacy may withdraw the  
18 candidacy by filing a certificate of withdrawal on the form prescribed by the State  
19 Board within 10 days after the filing date established under § 5-303 of this title.

20 (2) IF THE STATE BOARD OR LOCAL BOARD CONTINUES TO ACCEPT  
21 CERTIFICATES OF CANDIDACY FOR A CONTEST UNDER § 5-303(D) OR (E) OF THIS  
22 TITLE, A CERTIFICATE OF WITHDRAWAL MAY NOT BE FILED FOR THAT CONTEST  
23 AFTER THE CLOSE OF BUSINESS ON THE FINAL DAY ON WHICH A CERTIFICATE OF  
24 DESIGNATION MAY BE FILED UNDER § 5-901(E) OF THIS TITLE.

25 (b) An individual who has filed a certificate of candidacy for the special  
26 election to fill a vacancy for representative in Congress may withdraw the certificate  
27 on the prescribed form within 2 days after the filing date established in the  
28 proclamation issued by the Governor.

29 5-901.

30 (e) A central committee authorized to fill a vacancy in candidacy for an office  
31 under this section shall file a certificate of designation of candidacy with the  
32 appropriate board designated to receive the certificate of candidacy for that office by  
33 the fifth day after the date on which a candidate may withdraw a certificate of  
34 candidacy before the primary election.

35 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
36 October 1, 2001.